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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
10 SOUTHERN DIVISION

11) SA CV _____ (x)
12)
13)

14) I. ORDER FOR COURT TRIAL
15) SETTING DATES FOR:
16)

17) Discovery Cut-Off:
18) _____

19) Pre-Trial Conference:
20) _____

21) at 2:00 p.m.
22)

23) Trial:
24) _____

25) at 9:00 a.m.
26)

27) II. Order for Preparation
28) for COURT TRIAL,
29) Proposed Findings of
30) Fact & Conclusions of
31) Law, and Scheduling an
32) Exhibit Conference
33) Friday before Trial.

34) III. Order Governing Attorney
35) and Party Conduct at
36) Trial.
37) _____

38 **SCHEDULING:**

39 1. In General: All motions to join other parties or to
40 amend the pleadings shall be filed and served within sixty (60)

1 days of the date of this order and noticed for hearing within
2 ninety (90) days hereof. All unserved parties shall be dismissed
3 no later than the date set for the Final Pre-Trial Conference.

4 2. Motions for Summary Judgment or Partial Summary
5 Judgment: No motions for summary judgment or partial summary
6 judgment may be filed later than fifteen (15) days after the
7 discovery cut-off date, unless otherwise ordered by Court.

8 3. Discovery Cut-Off: The Court has established a cut-
9 off date for discovery in this action. All discovery is to be
10 completed on, or prior to, the cut-off date. Accordingly, the
11 following discovery schedule shall apply to this case:

12 A. Depositions: All depositions shall be scheduled
13 to commence at least five (5) working days prior to the discovery
14 cut-off date. All original depositions to be used in trial shall
15 be lodged with the Courtroom Deputy on the day of trial.

16 B. Interrogatories: All interrogatories must be
17 served at least forty-five (45) days prior to the discovery cut-off
18 date. The Court will not approve stipulations between counsel that
19 permit responses to be served after the cut-off date except in
20 extraordinary circumstances.

21 C. Production of Documents, etc.: All requests for
22 production, etc., shall be served at least forty-five (45) days
23 prior to the discovery cut-off date. The Court will not approve
24 stipulations between counsel that permit responses to be served
25 after the cut-off date except in extraordinary circumstances.

26 D. Request for Admissions: All requests for
27 admissions shall be served at least forty-five (45) days prior to
28 the discovery cut-off date. The Court will not approve

1 stipulations between counsel that permit responses to be served
2 after the cut-off date except in extraordinary circumstances.

3 E. Discovery Motions: Any motion respecting the
4 inadequacy of responses to discovery must be filed and served not
5 later than ten (10) days after the discovery cut-off date. Whenever
6 possible, the Court expects counsel to resolve discovery problems
7 among themselves in a courteous, reasonable, and professional
8 manner. Consistent resort to the Court for guidance in discovery
9 is unnecessary and will result in the Court appointing a Special
10 Master at the joint expense of the parties to resolve discovery
11 disputes. The Court expects that counsel will strictly adhere to
12 the Civility and Professional Guidelines adopted by the United
13 States District Court for the Central District of California.

14 F. Disclosure of Expert Testimony: The above
15 discovery cut-off date includes expert discovery, unless the Court
16 otherwise orders, and the Court orders the sequence of disclosures
17 provided by Fed. R. Civ. Proc. 26(a)(2)(C), unless the parties
18 otherwise stipulate in writing and obtain the Court's approval.

19 **FINAL PRE-TRIAL CONFERENCE:**

20 This case has been placed on calendar for a Final Pre-
21 Trial Conference pursuant to Fed. R. Civ. P. 16. Strict compliance
22 with the requirements of the Fed. R. Civ. P. and Local Rules are
23 required by the Court.

24 **II.**

25 **ORDER FOR PREPARATION FOR COURT TRIAL, PROPOSED FINDINGS OF FACT**
26 **AND CONCLUSIONS OF LAW, AND SCHEDULING EXHIBIT CONFERENCE FRIDAY**
27 **BEFORE TRIAL: MOTIONS AND EXHIBITS**

28 The Court ORDERS that all counsel comply with the

1 following in their preparation for trial:

2 1. MOTIONS IN LIMINE:

3 All motions *in limine* must be filed and served a minimum
4 of forty-five (45) days prior to the scheduled trial date. Each
5 motion should be separately filed and numbered. All opposition
6 documents must be filed and served at least twenty (20) days prior
7 to the scheduled trial date. All reply documents must be filed and
8 served at least ten (10) days prior to the scheduled trial date.

9 All motions in limine will be heard on the scheduled
10 trial date, unless the Court otherwise orders.

11 2. FINDINGS OF FACT AND CONCLUSION OF LAW:

12 Findings of facts and Conclusions of Law shall be
13 prepared, lodged, and served in accordance with Local Rule 52-1.

14 At the same time, counsel must furnish to the assigned
15 Courtroom Deputy Clerk a diskette of proposed jury instructions
16 containing only the text of the proposed instructions so that
17 unannotated copies may be submitted to the jury during its
18 deliberations. Counsel may submit the proposed instructions on a
19 3½" diskette compatible with WordPerfect® 7.0 or later generations
20 of WordPerfect®.

21 3. TRIAL EXHIBITS:

22 Counsel are to prepare their exhibits for presentation at
23 the trial by placing them in binders that are indexed by exhibit
24 number with tabs or dividers on the right side. Counsel shall
25 submit to the Court an original and one copy of the binders. The
26 exhibits shall be in a three-ring binder labeled on the spine
27 portion of the binder showing both the volume number and the
28 exhibit numbers and contain an index of each exhibit included in

1 the volume. Exhibits must be numbered in accordance with Fed. R.
2 Civ. P. 16, 26, and the Local Rules.

3 The Court requires that the following be submitted to the
4 Courtroom Deputy Clerk on the first day of trial:

5 A. The original exhibits with the Court's exhibit
6 tags shall be stapled to the front of the exhibit on the upper
7 right-hand corner with the case number, case name, and exhibit
8 number placed on each tag.

9 B. One bench book with a copy of each exhibit for
10 use by the Court, tabbed with numbers as described above. (Court's
11 exhibit tags not necessary.)

12 C. Three (3) copies of exhibit lists.

13 D. Three (3) copies of witness lists.

14 All counsel are to meet not later than ten (10) days
15 before trial and to stipulate so far as is possible as to
16 foundation, waiver of the best evidence rule, and to those exhibits
17 which may be received into evidence at the start of trial. The
18 exhibits to be so received will be noted on the extra copies of the
19 exhibit lists.

20 A special conference regarding trial exhibits will be
21 held on the Friday before the scheduled Trial date at 3:00 P.M. in
22 Courtroom 10-A, unless the Court otherwise orders.

23 III.

24 ORDER GOVERNING ATTORNEY AND PARTY CONDUCT AT TRIAL

25 A. OPENING STATEMENTS, EXAMINING WITNESSES, AND SUMMATION

26 1. Opening statements, examination of witnesses, and
27 summation will be from the lectern only.

28 2. Counsel must not consume time by writing out words

1 or drawing charts or diagrams. Counsel may do so in advance and
2 explain that the item was prepared earlier as ordered by the Court
3 to save time.

4 3. Never strike the lectern for emphasis.

5 **B. OBJECTIONS TO QUESTIONS**

6 1. Counsel must not use objections for the purpose of
7 making a speech, recapitulating testimony, or attempting to guide
8 the witness.

9 2. When objecting, counsel must rise to state the
10 objection and state only that counsel objects and the legal ground
11 of objection. If counsel wishes to argue an objection further,
12 counsel must ask for permission to do so; the Court may or may not
13 grant a request for conference at sidebar.

14 **C. GENERAL DECORUM**

15 1. Please keep the trial low-key. It is to be a
16 dignified search for the truth.

17 2. Counsel must not approach the Clerk or the witness
18 box without specific permission. When permission is given, please
19 return to the lectern when the purpose of the permission is
20 finished. Counsel must not engage in questioning a witness at the
21 witness stand.

22 3. Please rise when addressing the Court.

23 4. Counsel must address all remarks to the Court.
24 Counsel are not to address the Clerk, the Reporter, persons in the
25 audience, or opposing counsel. If counsel wishes to speak with
26 opposing counsel, counsel must ask permission to talk off the
27 record. Any request for the re-reading of questions or answers
28 shall be addressed to the Court.

1 5. Counsel must not address or refer to witnesses or
2 parties by first names alone. Young witnesses (under 14) may,
3 however, be addressed and referred to by first names.

4 6. While Court is in session, counsel must not leave
5 counsel table to confer with investigators, secretaries, or
6 witnesses in the back of the courtroom unless permission has been
7 granted in advance.

8 7. Counsel should not by facial expression, nodding, or
9 other conduct exhibit any opinion, adverse or favorable, concerning
10 any testimony being given by a witness. Counsel must admonish
11 counsel's own clients and witnesses to avoid such conduct.

12 8. Where a party has more than one lawyer, only one
13 may object to the testimony or conduct the direct or cross-
14 examination of a given witness.

15 **D. PROMPTNESS OF COUNSEL AND WITNESSES**

16 1. The Court makes every effort to commence proceedings
17 at the time set. Promptness is expected from counsel and
18 witnesses. It is counsel's duty to tell the Court on the first day
19 of any commitments in any other court on a subsequent day that may
20 result in absence or late arrival.

21 2. If a witness was on the stand at adjournment, it is
22 counsel's duty to have the witness adjacent to, but not on, the
23 witness stand, ready to proceed, when the court session resumes.
24 If a witness was on the stand at a recess, it is counsel's duty to
25 have the witness back on the stand, ready to proceed, when the
26 court session resumes.

27 a. It is counsel's duty to have the next witness
28 in the courtroom after a recess if the last witness was excused at

1 the time of the recess.

2 b. It is counsel's duty to notify the courtroom
3 deputy clerk in advance if any witness should be accommodated by
4 use of the witness stand's automated platform which lowers and
5 raises to accommodate witnesses who are unable to otherwise take
6 the witness stand.

7 3. No presenting party may be without witnesses. If
8 counsel has no more witnesses to call and there is more than a
9 brief delay, the Court may deem that the party has rested.

10 4. The Court attempts to cooperate with physicians,
11 scientists, and all other professional witnesses and will, except
12 in extraordinary circumstances, accommodate them by permitting them
13 to be put on out of sequence. Counsel must anticipate any such
14 possibility and discuss it with opposing counsel. If there is
15 objection, confer with the Court in advance.

16 **E. EXHIBITS**

17 1. Each counsel should keep counsel's own list of
18 exhibits and should keep track when each has been admitted in
19 evidence.

20 2. Each counsel is responsible for any exhibits that
21 counsel secures from the Clerk and, at all recesses and at noontime
22 and afternoon adjournments, must return all exhibits in counsel's
23 possession to the Clerk.

24 3. An exhibit not previously marked should, at the time
25 of its first mention, be accompanied by a request that the Clerk
26 mark it for identification. To save time, counsel must show a new
27 exhibit to opposing counsel before it is mentioned in Court.

28 4. Whenever, in counsel's opinion, a particular exhibit

1 is admissible, it may be moved into evidence at the next available
2 recess if the motion to admit it is opposed. (Consider waiting,
3 however, until cross-examination concerning the proposed exhibits
4 is concluded.) In the alternative, counsel may hold all exhibits
5 until the end of counsel's case and move them all into evidence at
6 that time.

7 5. Counsel are to advise the Clerk of any agreements
8 they have with respect to the proposed exhibits and as to those
9 exhibits that may be received so that no further motion to admit
10 need be made.

11 6. When referring to an exhibit, counsel should refer
12 to its exhibit number whenever possible. Witnesses should be asked
13 to do the same.

14 7. Counsel must not ask witnesses to draw charts or
15 diagrams nor ask the Court's permission for a witness to do so. If
16 counsel wishes to question a witness in connection with graphic
17 aids, the material must be fully prepared before the court session
18 starts.

19 **F. DEPOSITIONS**

20 1. All depositions that are to be used in the trial,
21 either as evidence or for impeachment, must be signed and filed
22 before the trial commences. Counsel should check with the Clerk as
23 to whether any deposition in which counsel is interested is in the
24 Clerk's hands and is properly signed.

25 2. In using depositions of an adverse party for
26 impeachment, either one of the following procedures may be adopted:

27 a. If counsel wishes to read the questions and
28 answers as alleged impeachment and ask the witness no further

1 questions on that subject, counsel may merely read the relevant
2 portions of the deposition into the record, stating the page and
3 line where the reading began and the page and line where the
4 reading ended.

5 b. If counsel wishes to ask the witness further
6 questions on the subject matter, the deposition is placed in front
7 of the witness and the witness is told to read silently the pages
8 and lines involved. Then counsel may either ask the witness
9 further questions on the matter and thereafter read the quotations
10 or read the quotations and thereafter ask the further questions.
11 Counsel should have an extra copy of the deposition for this
12 purpose.

13 3. Where a witness is absent and the witness' testimony
14 is offered by deposition, please observe the following procedures:

15 The Court should be asked whether it wishes the
16 above procedure followed or merely wishes to read the deposition in
17 chambers without the questions and answers being repeated for the
18 record. In such instances, the deposition may be offered in
19 evidence as an exhibit.

20 **G. USING NUMEROUS ANSWERS TO INTERROGATORIES AND REQUESTS**
21 **FOR ADMISSIONS**

22 Whenever counsel expects to offer a group of answers to
23 interrogatories or requests for admissions, extracted from one or
24 more lengthy documents, counsel should prepare a new document
25 listing each question and answer and identifying the document from
26 which it has been extracted. Copies of this new document should be
27 given to the Court and opposing counsel. This will save the time
28 of thumbing through extensive files to locate particular items.

1 H. ADVANCE NOTICE OF EVIDENTIARY OR DIFFICULT QUESTIONS

2 If any counsel has reason to anticipate that a difficult
3 question of law or evidence will raise legal argument, requiring
4 research and/or briefing, counsel must give the Court advance
5 notice.

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ALICEMARIE H. STOTLER
UNITED STATES DISTRICT JUDGE
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